

**IN UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

IN RE: BEXTRA AND CELEBREX
MARKETING AND SALES PRACTICES
AND PRODUCT LIABILITY LITIGATION

MDL Docket No. 1699

Judge Charles R. Breyer

EVELINA ANDERSON, et al.,

Plaintiff,

v.

MONSANTO COMPANY, et al.,

Defendants.

STIPULATION AND ~~PROPOSED~~
ORDER OF DISMISSAL
WITHOUT PREJUDICE

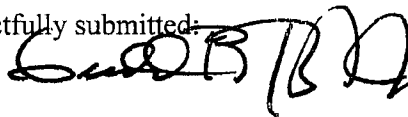
CASE NO. 3:06-cv-2081-CRB

IT IS HEREBY STIPULATED AND AGREED by and between counsels for the Plaintiff and counsel for the Defendants that the Complaint of Plaintiff **Freddie Smith** is hereby dismissed without prejudice.

1. Plaintiff is Freddie Smith; defendants are Pfizer, Inc., Pharmacia Corporation, Monsanto Company, and G.D. Searle L.L.C.;
2. On April 5, 2005, Plaintiff sued Defendants;
3. Plaintiff moves to dismiss his claims against Defendants;
4. Defendants have not answered these claims;
5. This case is not a class action;
6. A receiver has not been appointed to this action;
7. Plaintiff has not dismissed an action based on or including the same claims as those present in this suit.

8. Should Plaintiff or a representative of Plaintiff attempt to re-file his claims against Defendants, he shall do so only by filing said claims in Federal Court.

Respectfully submitted:



Dated: 12-18-06

By: _____

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Dated: 12-18-06

By: _____

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Defendant's Liaison Counsel

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: Dec. 19, 2006

Honorable Charles R. Breyer
United States District Court

